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VACCINATION AGAINST SMALLPOX.

ILLINOIS SUPREME COURT DECIDES THAT LOCAL BOARD OF HEALTH MAY EXCLUDE UNVACCINATED CHILDREN FROM SCHOOL DURING SMALLPOX EPIDEMIC.

The right to temporarily exclude unvaccinated pupils from school while smallpox is unduly prevalent in a community is upheld in a recent decision of the Supreme Court of Illinois.[1]

Smallpox became epidemic in Granite City, and the local board of health to prevent the further spread of the disease passed a resolution excluding all children from the public schools for a period of two weeks unless they had recently been vaccinated or unless they produced a certificate that they had been successfully vaccinated within the past five years or had had smallpox. Suit was brought to enjoin the authorities from preventing the attendance at school of several pupils who were unvaccinated.

The court dismissed the suit, stating that while school directors and boards of education have no authority to exclude children from school simply because they refuse to be vaccinated, yet "the resolution of the board of health was reasonable in view of the fact that smallpox was epidemic and the disease likely to spread from the many cases then existing in the city."

The court further said:

"As it was the duty of the board of health to enforce such reasonable rules and regulations as would stamp out the epidemic and promote the public health and the resolution seemed well calculated to accomplish that purpose, and as a public necessity existed for such action, the board of health must be held to have acted legally in passing the resolution and the school board in enforcing it and requiring vaccination as a condition to pupils entering the schools. The exercise of such authority by the board of health and the school board finds ample authority in the police power of the State when such a necessity arises, as is shown in this case, and no constitutional rights of appellants have been violated. * * * The right to enjoy school and other privileges recognized by our law must be so used and enjoyed as not to expose other people unnecessarily to dangerous diseases or contagions. The police power is broad enough to protect all citizens against such exposure, and it is not an unreasonable requirement to prevent children from having the benefits of school unless vaccinated, etc., under such conditions as existed in Granite City when the resolution of the board of health was passed, and particularly when such exclusion was only for the period of two weeks and with the privilege to the children to remain unvaccinated by remaining out of school for such time."

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[1] *Hagler et al.* v. *Larner et al.*, 120 N. E., 575.